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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/727,913 | 12/04/2003 | Lawrence K. Pierce | 1434-005 |

32905
 JONDLE & ASSOCIATES P.C.
 9085 EAST MINERAL CIRCLE
 SUITE 200
 CENTENNIAL, CO 80112



CONFIRMATION NO. 7562

FORMALITIES LETTER



OC000000013494325

Date Mailed: 08/11/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Complete if Known

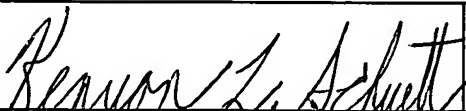
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|------------------------|--------------------|
| Application Number | 10/727,913 |
| Filing Date | December 4, 2003 |
| First Named Inventor | Lawrence K. PIERCE |
| Examiner Name | |
| Group Art Unit | |
| Attorney Docket Number | 1434-005 |

Total Number of Pages in This Submission 5

ENCLOSURES (check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | 1) Certificate of Express Mail Label No. EV195486375US |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) | |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

REMARKS:

| | | | | | |
|--------------------|---|--------------------------|-----------------|-------------------------|--|
| SUBMITTED BY | | Complete (if applicable) | | | |
| NAME & REG. NUMBER | Kenyon L. Schuett, Reg No. 44,324 | | | | |
| SIGNATURE |  | DATE | August 19, 2004 | DEPOSIT ACCOUNT USER ID | |



1434-005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of

Lawrence K. PIERCE

Serial No. 10/727,913

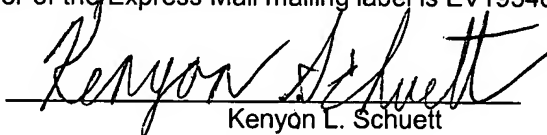
Filed: December 4, 2003

For: CELERY NAMED ADS-2

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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail (post office to addressee) in an envelope addressed to: Mail Stop Missing Parts, Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this 19th day of August 2004. The number of the Express Mail mailing label is EV195486375US


Kenyon L. Schuett
Reg. No. 44,324

RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Incomplete Nonprovisional Application under 37 CFR 1.53(b) dated August 11, 2004, response copy attached, Applicant's Representative submits that this application was filed as a utility patent application and

does not require drawings. Drawings are not necessary for the understanding of the subject matter sought to be patented.

Applicant requests that the filing date of December 4, 2003 be accorded this application and proceed to examination.

It is believed there are no fees due, however if it is determined that additional fees are required, please charge deposit account number 50-2368 in the name of Jondle & Associates P.C.

Respectfully submitted,

By 

Kenyon L. Schuett, Reg. 44,324
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